



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

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GKS/AES  
F. #2014R00501

*271 Cadman Plaza East  
Brooklyn, New York 11201*

July 27, 2017

**By E-mail and ECF**

Hon. Kiyo A. Matsumoto  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: United States v. Martin Shkreli  
Criminal Docket No. 15-637 (KAM)

Dear Judge Matsumoto:

The parties jointly request that the following instruction be added to the jury instructions for Count 8 within the “Securities Fraud” section, immediately after the third element of securities fraud and before the venue section.

The term “affiliate” of an issuer under the law means a person that directly, or indirectly through one or more intermediaries controls, or is controlled by, or is under common control with, such issuer. Whether a person is an affiliate of Retrophin is a question of fact for the jury.

Respectfully submitted,

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cc: Clerk of Court (KAM) (by ECF)  
Counsel for Shkreli (by ECF)